IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1928 OF 2004
IN
SUIT NO.2093 OF 1983

Nanji Arjun(since deceased) & ors. .Plaintiffs.
V/s.
John Marian Baptista(since deceased)
& Ors. ..Defendants.
And
Ganpat Rajaram Mandavkar & Anr. ..Applicants.

Mr. S.P.Bharati for Plaintiffs.
Mr.Y.S.Jain for applicants.

CORAM: A.M.KHANWILKAR,J
DATE : AUGUST 22, 2005.

P.C. :

1. Similar relief was claimed on the earlier occasion which application, however, dismissed for default.

2. At this stage, counsel for the applicant prays that applicant be permitted to withdraw this application with liberty to take out appropriate proceedings as may be permissible by law. Counsel for the plaintiff has no objection. Accordingly, this application is dismissed as withdrawn.

3. It is made clear that this order is passed without prejudice to the rights and contentions of the plaintiffs on the issue of maintainability of the proposed application to be taken out by the

applicants.